

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

WP(C).No. 36053 of 2004(P)

CMA.20/2003 of SUB COURT, NEDUMANGAD
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PETITIONERS:

1. SATHYABHAMA, W/O. RETNAKARAN,
POONTHELKONAM KUNNIL VEEDU, NELLANAD MURI,
VAMANAPURAM VILLAGE, NEDUMANGAD
2. RETNAKARAN, S/O. GOVINDAN,
POONTHELKONAM KUNNIL VEEDU, NELLANAD MURI,
VAMANAPURAM VILLAGE, NEDUMANGAD.

BY ADV. SRI.D.SAJEEV

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM.
2. BHANUMATHY AMMA, W/O. MADHAVAKURUP,
LEKSHMI VILASOM, KUNNATHODE, NELLANAD MURI,
VAMANAPURAM VILLAGE, NEDUMANGAD TALUK.

R1 BY ADV. SRI.SYSON P. MANGUZHA, GOVT. PLEADER.

R2 BY ADV. SRI.M.D.SURESH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 20/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WPC : 36053 OF 2004

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 : TRUE COPY OF ORDER DT.31.7.04 IN CMA NO.20/03 OF THE SUB COURT,
DEUMANGAD.

EXT.P2 : TRUE COPY OF MEMO DT.5.8.04 FILED BY THE PETITIONERS BEFORE THE
COURT BELOW.

EXT.P3 : TRUE COPY OF JUDGMENT DT.16.8.04 IN CMA NO.20/03 ON THE FILE OF
THE SUB JUDGE, NEDUMANGAD.

/TRUE COPY/

PA TO JUDGE

PIUS C. KURIAKOSE, J.

W.P.(C) No. 36053 OF 2004

Dated this the 20th day of August, 2007

JUDGMENT

Even though Mr.D.Sajeev, learned counsel for the petitioner addressed me very strenuously on the various grounds in the Writ Petition, I do not find any warrant for setting aside Ext.P1 and for allowing IA No.933 of 2003 without imposing any conditions. I approve Ext.P1, however, I modify the conditions imposed by the lower appellate court for allowing IA No.933 of 2003 by reducing the cost amount to Rs.2,500/- payable in equal shares of Rs.1,250/- each to the TLSC Nedumangad and to the contesting defendants. Payment of the total amount as modified above will be made by the petitioner within one month from today, failing which, the IA and the Writ Petition will stand dismissed.

PIUS C. KURIAKOSE, JUDGE

btt

